

Appl. No. 10/658,823
Amdt. dated May 15, 2006
Reply to Office Action of March 15, 2006

PATENT

REMARKS

Claim 50 has been amended to perfect antecedent basis.

The Examiner requires an election of a single species "for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable." See Official Action mailed March 15, 2006, pages 2-4.

In response to the Examiner's election requirement, Applicants elect, with traverse:

- A(ii) A method of determining glycosyltransferase activity using a labeled substrate or acceptor;
- A(ii)(2) A fluorescent label;
- B(i) A fucosyltransferases;
- C(i) A test compound comprising an aromatic ring structure; and
- C(i)(2) Heteroaryl moiety.

Applicants traverse on the grounds that the Examiner has not provided the particular reasons relied on for holding that the invention as claimed are patentably distinct. The MPEP states: "A mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given." See MPEP §808.01.

Furthermore, Applicants respectfully submit that the elected species should not be subject to restriction because the species arise out of a common inventive concept: An inhibitor of a glycosyltransferase may be identified using a donor substrate with a hydrophobic, non-carbohydrate test compound. All of the claims arise out of this inventive concept or idea.

Moreover, Applicants respectfully submit that election of single species within the Markush group of Claim 50 falls under the provisions of MPEP § 803.02, which states:

[T]he examiner may require a provisional election of a single species prior to examination on the merits . . . Following election, the Markush-type claim will be examined fully with respect to the elected species and *further to the extent necessary* to determine patentability . . . should no prior art be found that anticipates or renders obvious the elected species, *the search of the Markush-type claim will be extended* (emphasis added).

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Thus, following Applicants' provisional election, it is understood that the Examiner will continue the search for prior art as necessary for the entire Markush group relating to each relevant substituent in the provisionally elected species in claim 50.

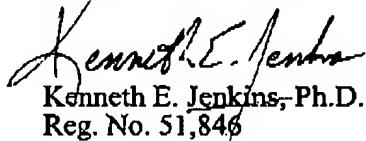
Therefore, Applicants provisionally elect Claim 50 Species: carbazole.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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